

EEOICP

The Energy Employees Occupational Illness Compensation Program

Part 2

Developing Claims



**U.S. Department of Labor
Office of Workers' Compensation Programs
Division of Energy Employees Occupational Illness Compensation**



EEOICP

The Energy Employees Occupational Illness Compensation Program

Initial Claims Development

Page



Tips for Navigating through this Training

Each training page has embedded links to help you navigate through this training. Additionally, you may review the associated procedure manual or a list of DEEOIC acronyms.

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Procedure Manual

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Acronyms

- Home tab - returns you to the beginning of training module



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What we will cover in this Session

In this session on Initial Development, we will discuss

1. What is Initial Development
2. Why is Initial Development important
3. The case creation process
4. The claim examiner's steps for Initial Development
5. The contents of the Initial Development letter, what it should contain and what it should not contain
6. How the CE should order the case file
7. What the Case Create worksheet looks like and what the CE must do with it
8. How the EEOICPA forms must be filed in the case file including the EE-1, EE-2, EE-3, etc.



What is Initial Development

The initial review of a case and the processes followed by the claims examiner during this initial review is known as ***Initial Development***. You, as a claims examiner, must keep careful records and have excellent organizational skills. This chapter discusses the process for EEOICPA Initial Development.



The Importance of Initial Development

The initial development steps set the stage for the entire claim development cycle. It is like a foundation for a house, so your initial development must be thorough to produce an accurate outcome of the claim.

Also, initial development sets the 'tone' for all claimant interactions. Begin your relationship with the claimant on a positive note which will establish a good working relationship with the claimant.

To that end, the claims examiner must pay attention to details, be conscientious and attentive, personalize all interactions with the claimant, and proofread all correspondence.

COMMUNICATION with the claimant is critical.



What is the Case Create Process

Once a claim is received in the district office, the process to establish the case in ECMS and creating the case file is known as ***Case Create***. The next few pages discuss the actual case create process. Accurate case creation ensures a smoother claims adjudication process.





Case Create Resource Center (RC) Activities

DEEOIC has eleven Resource Centers nationwide to assist claimants with the completion of claim forms. The staff at the RCs help to ensure that the information on the claim form is accurate and complete.



The RC staff also conducts an [Occupational History Questionnaire \(OHQ\)](#) interview and obtains a signed [SSA-581](#) form from claimants to be used by the CE for employment development.



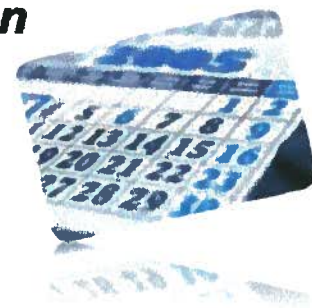
Once the claims package is completed, the RC staff prepare a memo outlining all actions taken by the RC and forwards the memo to the district office with:

- All completed claim forms such as the EE-1, EE-2, EE-3, EE-4, SSA-581, and OHQ
- Any other documentation submitted by the claimant
- A New Claim Checklist



Case Creation - District Office Deadlines

Once a claim is received in the district office, you, as the claims examiner, must take initial action on the new claim within the first 14 days.



Day 1 - claim received in DO

By Day 14 - initial development code entered into ECMS



The Case Create Process at the District Office level

When a claim is received in the district office, the case create staff constructs a physical folder known as a claim file placing the [EE1/EE2](#) and [EE3](#) claims forms at the bottom right and any submitted medical and employment evidence on top. The case create staff member then creates a [Case Create Worksheet](#) and forwards the claim file and worksheet to a claims examiner designated by the District Director to review.

Next, an experienced claims examiner, designated by the District Director, reviews the Case Create worksheet to ensure that the case create staff have correctly identified the type of claim, the correct claimed illnesses and the correct dates of filing. This claims examiner then returns the claim file and case create worksheet to the case create staff.

The case create staff then enters the information from the Case Create worksheet into ECMS. Next, the case is assigned to the appropriate claims examiner.



How to determine the *Claim Filing Date*

The case create staff must determine and then enter in ECMS the claim filing date. For a new claim the earliest date is, either:

- The date of the postmarked envelope in which the claimant submitted his/her claim form
- The facsimile date on transmittance
- The first stamped date of receipt by the resource center or the district office

The case create filing date ***cannot*** be before the beginning of the program:

- For Part B only claims – the earliest possible date is July 31, 2001
- Part D only claims – the earliest possible date is October 30, 2000 (repealed and replaced with Part E)
- For Part E only claims – the earliest possible date is October 28, 2004



The CE's Case Create Activities for an Assigned Case

- You, as the CE assigned to the case, should review the resource center memorandum, claim forms and all documentation submitted by claimant.
- Next, examine the Case Create Worksheet to ensure that it accurately reflects the information in the claim.
- Check ECMS to ensure that the claimant's information is correctly entered and complete.
- Finally, you must ensure that all medical conditions are properly coded in ECMS (B, E or both).





CE Initial Development

Once you are assigned a case, you must review all materials submitted by the claimant regarding:

1. **Survivorship:** Is this an employee claim or survivor? Is there enough evidence to establish survivorship?
2. **Employment:** Did the employee work at a covered facility during a covered time period?
3. **Medical Condition/s:** Is there evidence of an occupational disease or a covered illness?
4. **Exposure (Part E Claim):** Is there evidence of exposure to a toxic substance?
5. **Causation (Parts B & E):** Is it at least as likely as not that the employee's illness was caused by, contributed to or aggravated by his covered employment?

Focus on whether you have enough information, based on the requirements of law, to make a recommended decision. If not, then you must continue development.

Survivorship

Your initial development for survivorship will exclude employee claims (because there is not a survivor) and RECA Claims for Part B only (because if RECA accepts the survivor claim, we will accept the survivor claim under Part B).

You need to determine if all eligible survivors are accounted for and have been given an opportunity to apply for benefits. Next, you will verify that sufficient evidence has been submitted which supports the relationship between the survivor and the employee.

There is a different order of precedence for Part B and Part E. Review which survivors are submitting claims.

Verification sources include marriage certificates, birth certificates, death notices, divorce decrees, and adoption papers.



Initial Development - Employment

For employment you will:

- Generate a [EE-5](#) to DOE and/or corporate verifiers
- Complete a [Document Acquisition Request](#) (DAR) form and forward it to the appropriate DOE Operations Center
- [SSA-581](#) (request to the Social Security Administration for earnings details)
- Numerous verification sources:



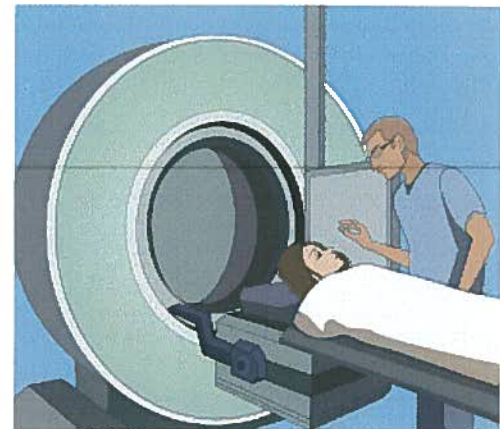
DOE	Claimant representatives
DOJ (RECA only)	Center for Construction and Research Training (CPWR)
ORISE database	Affidavits (e.g., co-workers, neighbors, union)
Corporate verifiers	Other federal & state agencies

Initial Development – Medical Conditions

For each claimed medical condition, the claimant must provide a diagnosis and date of diagnosis.

Examine the evidence closely. You must develop **each** claimed condition. (An exception: for Part E survivorship claims – you only need to develop conditions that are related to the employee's death.)

Assess what is needed vs. what was submitted. Provide claimants and physicians with an [EE-7](#) form to ensure that you receive what you need for your claim.



Due Process

You must give each claimant due process for all claimed conditions. If they do not initially provide everything you need to determine a case, you assist them in obtaining the required documentation.

Use all sources to gather evidence:

- What does the employee/claimant have as evidence?
- A wealth of information, both concerning the employee's medical conditions as well as exposure, may be found on the DAR returned from DOE.
- Contact physicians and hospitals who provided and/or gave treatment to the covered employee. By presenting a signed EE-1 or EE-2 claim form under the EEOICPA, the claimant grants DEEOIC authorization to collect medical documentation pertinent to the case. Thus, you may contact doctors and hospitals directly for medical evidence related to a claim.



Questionnaires for Development

- **Smoking Questionnaire:** If the employee suffered from lung cancer, you must send a smoking history questionnaire ([Form EE-8 with EN-8](#)). This queries the employee/claimant as to how many packs of cigarettes the employee was smoking.
- **Ethnicity Questionnaire:** If the employee claims the condition of skin cancer, you must send out the ethnicity questionnaire ([Form EE-9 with EN-9](#)). If a person of color is diagnosed with skin cancer, it is more likely related to employment than sun exposure.



Exposure & Causation Development

- You should develop for exposure and causation **only** after you have completed all development of medical conditions.
- Determine the proper course of development for exposure and causation under EEOICPA – a toxic development letter may be needed.
- If an Occupational History Questionnaire was not included in the initial submission, prepare memo to the appropriate [RC](#) manager assigning this [RC](#) development task.
- The [RC](#) must complete the interview and return the findings to the DO within 14 days from the date of the memo.

Multiple Verification Sources for Exposure & Causation:

- Site Exposure Matrix (SEM) searches
- Occupational History Questionnaire form ([OHQ](#)) lists exposures the employee had, places the employee in buildings where known exposure occurred, describes accidents the employee was involved in
- Document Acquisition Request form ([DAR](#)) provides [DOE](#) records of exposures during accidents, medical screening reports, buildings where the employee worked, etc.
- Part D files may contain [DOE](#) information not usually shared with persons outside of DOE.
- Former Worker Program (FWP) records



Exposure & Causation: Former Worker Program

The DOE Former Worker Program (FWP) is an ongoing effort to evaluate the effects of occupational exposures (e.g., to beryllium, asbestos, silica) on the health of DOE workers. These records contain employment, medical, and exposure data. Exposure information obtained from FWP work history interviews taken after the enactment of the EEOICPA, in October 2000, should be used only when corroborated by other evidence that supports the claimed exposure (i.e., DAR information, SEM). Former Worker Program (FWP) records:

- Check the EE-3 which may indicate that the claimant participated in FWP
- If there are no records in the case file, request records directly from FWP
- List of FWP facilities and contacts:
- <http://www.hss.doe.gov/HealthSafety/FWSP/formerworkermed/construction>



The Purpose of the Initial Development Letter

If, after a thorough review of the claim, you identify a deficiency in the evidence that requires development, you should prepare an [initial development letter](#) which describes the deficiency and additional information necessary to overcome it. You tailor the letter for that individual case. Usually, 30 days is sufficient time to allow for submission of additional evidence. For example: If a covered condition is claimed, but the file is lacking medical documentation, the CE allows a reasonable period of time for submission of the appropriate evidence. In cases such as this, the CE makes at least two requests for medical documentation.

Setting Deadlines: Because we are non-adversarial, you should use care when setting deadlines. The information requested is not always easily obtained because most employees were exposed many years ago. Thus the CE must be as flexible as possible and advise the claimant that additional time will be granted if the claimant requests a reasonable extension of time.

General Rules for the Initial Development Letter

Be sure that your development letter

- is free of jargon and is easily understood and readable by persons of varying educational backgrounds
- does not ask for evidence that is not needed
- is clear and concise – use terms the claimant will understand

DEEOIC is a non-adversarial entitlement program so be careful in your wording of the development letter regarding deadlines.

IMPORTANT NOTE: Remember that since most employees were exposed many years earlier, information is not always easily obtained.

KNOW YOUR AUDIENCE



Initial Development Letter – Writing the Letter

- You should tailor the letter to the specific case, using specific language about the case.
- Avoid mistakes that might aggravate and annoy claimants.
- Start with a new sample development letter rather than modifying previously issued versions. This prevents using wrong names, etc.
- Be careful of minor errors.
- Review, review, review ***before*** sending!

Initial Development Letter – Claimant Response

- Allow the claimant an opportunity to provide any additional evidence that is needed.
- Typically 30 days is sufficient time.
- You may grant time extensions when requested and possible.
- Remember: Each claimant must be given due process!

Initial Development – ECMS Coding

Appropriate ECMS coding for Initial Development includes:

- OR + date of search
- ES + reason code
- ER + reason code
- DO + OH (reason code) + date interview completed
- RC,AS + date of RC request memo
- CS [Request for Corporate Verification] + date

Organizing the Case File

- You must arrange the contents in chronological order – both for dates of medical evidence and receipt dates on mail
- When a new claim is received, you should place medical evidence in chronological order.
- You should file all evidence received after the initial filing in chronological order on top of the spindle by date stamp.

Placement of the Case Create Worksheet

- The case create worksheet is attached to the ***left*** side of the file jacket [PM 1-0300.7].
- Accountability review results (2008) showed that case create worksheets were misfiled or lost because they fell off the left side of the case file.
- Remedy - spindle the worksheet just above the EE-3 Form.
- All other case-create procedures remain the same.

Arrange the Case File (EE-1, EE-2 & EE-3) as outlined below:

- Place the EE-1/EE-2 at the bottom of the file.
- New EE-1/EE-2s, received after the first one filed, are placed on top of original EE-1/EE-2.
- DOE Claim Form 350.2 (old Part D claims files/DOE form) is placed on top of EE-1/EE-2 and before EE-3.
- EE-3 is placed on top of EE-1/EE-2 (and DOE Claim Form 350.2, if applicable).

Summary

- Initial Development is a critical step in the development process and establishes the overall 'tone' of the case.
- Communication with the claimant is of paramount importance.
- You must be as flexible as possible.
- Initial actions on a new claim must occur within the first 14 days of DO receipt of the claims package.
- You are responsible for ensuring correctness, completeness and accuracy of ECMS coding of RC actions.



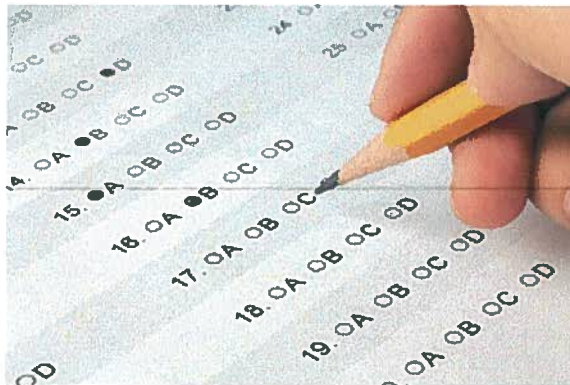
Summary, continued

- Your focus during the Initial Development step:
 - A comprehensive review of claim materials to identify deficiencies in evidence
 - Write initial development letter to collect needed evidence
- Your letter must be non-adversarial, tailored to the case, clear, concise and understood by the claimant.
- The claimant must be given due process in order to respond with requested evidence.

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Congratulations! You have completed the Initial Claims Development session. Next is a Knowledge Check to see how much you have learned!



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1. Which document is used by the resource center to obtain employment history from the claimant?

- ☐ DAR
- ☐ OHQ
- ☐ EE-5



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2. Which document will you submit to the Department of Energy to obtain possible exposure information for an employee?

- ☐ DAR
- ☐ OHQ
- ☐ EE-7



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3. Which document is submitted by an employee who is filing a claim under the EEOICPA?

- ☐ EE-1
- ☐ EE-2
- ☐ EE-3



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4. Which document is submitted by a survivor who is filing a claim for survivor benefits under the EEOICPA?

- ☐ EE-1
- ☐ EE-2
- ☐ EE-3



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5. Which document is submitted by an employee or a survivor to describe in detail the employee's work history under the EEOICPA?

- ☐ EE-1
- ☐ EE-2
- ☐ EE-3



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6. You are the CE assigned to Mr. H's claim. Mr. H has filed a claim for asbestosis, lung cancer and skin cancer. After reviewing the case file, you find that Mr. H has not submitted enough medical evidence to establish a claim for lung cancer. What is your next step for initial development? Choose the best answer:

- ☐ Write a recommended decision denying the claim for lack of evidence.
- ☐ Write a development letter to Mr. H, outlining exactly what medical evidence he needs to submit to establish his claim for lung cancer.
- ☐ Review the claim for required evidence for Mr. H's claimed conditions of asbestosis or skin cancer and for his employment. Then craft a letter outlining all the evidence needed to perfect Mr. H's claim. Also, call Mr. H on the phone to alert him to the letter you mailed and explain what evidence you need to assist him with his claim.

7. You received a case previously developed by another claims examiner. After reviewing the complete file, you find
- the evidence establishes that the survivor is an eligible survivor
 - there is insufficient evidence to establish covered employment
 - there is insufficient evidence to establish the claimed condition of chronic beryllium disease.

The previous CE sent a letter dated 30 days prior to today to the survivor requesting evidence establishing chronic beryllium disease, but no response has been received from the claimant. What should be your next step?

- ☐ Write a recommended decision denying the claim for lack of evidence.
- ☐ First, you would call the survivor and introduce yourself, explaining that you are their new claims examiner and you will be sending them a letter requesting what evidence is needed for employment and medical. Then craft a letter outlining all the evidence needed to establish employment and chronic beryllium disease, as outlined in Parts B and E.
- ☐ Take the case back your supervisor and tell them that the claims examiner before you did not do what they were suppose to do.

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8. When writing your development letter, you should

- ☐ Be sure that your letter contains bureaucratic jargon
- ☐ Is easily understood and readable by persons with an advanced educational background
- ☐ Asks for evidence that is not needed
- ☐ Is clear and concise - uses terms claimant will not understand.
- ☐ DEEOIC is an adversarial entitlement program - we are careful in wording development letters regarding deadlines.
- ☐ all of the above
- ☐ none of the above

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Congratulations! You have completed the Initial Development Session of the DEEOIC Claims Examiner Training.

Enter your name in the field below and click OK to retrieve your certificate of completion.

OK



Certificate of Completion

This certifies that

Student Name

**has successfully completed the Intial Development
Session of the On-Line Claims Examiner Training**

Date